

**LAW OFFICE OF JAY R. YABLON**

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Schenectady, New York 12309  
Tel/Fax: 518-377-6737  
Email: jyablon@nycap.rr.com**FACSIMILE COVER PAGE**

To: Examiner Nabil Z. Hindi	From: Jay R. Yablon
Fax #: 1-703-872-9315	Fax #: 518-377-6737
Company: USPTO Art Unit 2655	Tel #: 518-377-6737
Subject: Petition to Withdraw Abandonment, 09/643,046	
Sent: 10/1/2003 at 5:00:16 PM	Pages: 5 (including cover)

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OCT 02 2003**MESSAGE:**

Dear Examiner Hindi:

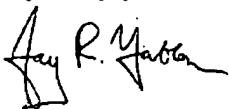
This is a petition under MPEP 711.03(c)1 to reconsider and withdraw the attached September 29, 2003 abandonment of 09/643,046 for failure to reply to the June 15, 2002 restriction.

A reply to this restriction was in fact filed on July 23, 2002, with a certificate of facsimile transmission. A copy of this reply with the facsimile certificate is attached hereto. I also attach a screen shot of my computer facsimile log showing transmission of this fax at 11:12 AM on July 23, 2003.

I understand that it is office policy for examiners to call applicants prior to issuing an abandonment for failure to reply and am puzzled why that was not done in this case.

Following withdrawal of the abandonment, please enter the election made in the attached July 23, 2002 correspondence as my reply, and continue consideration of this case.

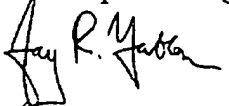
Very truly yours,



Jay R. Yablon, Registration # 30604

**CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax Number 1-703-872-9315 on the transmission date of 10/1/2003, pursuant to 37 C.F.R. 1.8

Name of person signing this certificate: Jay R. Yablon

(signature)

OFFICIAL

<input type="checkbox"/> My Phonebook <input checked="" type="checkbox"/> WebDatabase <input type="checkbox"/> Outlook Express		Name / I Congregation Akudat Achim USPTO Trademark Trial and Appeals Board Jeric Aronstein	Company USPTO Trademark Trial and Appeals Board	Fax 346-6887 +1(703) 308-9333 +1(815) 462-6152
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<input checked="" type="checkbox"/>	Add to List	<input checked="" type="checkbox"/>	Schedule X	<input checked="" type="checkbox"/>	
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Law Office Cover Page > Times New Roman 12 B U [ ] Annotate [ ]

# LAW OFFICE

Paid

To: <Recipient>

Fax #: <Recipient>

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Subject:

Sent: <Date> at <Time>

MESSAGE:

Name: Emanuel Kahl Z. Hindi

Number: 1-703-746-5959

Document: TELETYPE FAX

Pages: 1 of 1 - Cover page

Resolution: High

Status: OK

Date/Time: 07-23-02 11:12 AM

Durations: 00:01:19

Date	Time	Name	Phone #	Status
07-31-02	11:19 AM	Unidentified...	3776737	OK
07-23-02	04:57 PM	Unidentified...	882-9554	Error
07-23-02	04:52 PM	Unidentified...	882-9554	Error
07-23-02	04:50 PM	Unidentified...	882-9554	Error
07-23-02	04:48 PM	Jeric Aronstein	882-9554	Error
07-23-02	04:46 PM	Jeric Aronstein	882-9554	Error
07-23-02	12:46 PM	European Patent Dept	011-49-88-23594	OK
07-23-02	11:15 AM	Michael D. Simchen	262-7502	OK
07-23-02	11:12 AM	Emanuel Kahl Z. Hindi	1-703-746-5959	OK
07-23-02	09:04 AM	Schneitzky JOC	377-6530	OK
07-01-02	01:49 PM	Cris Soofsky	888-7638	OK
06-17-02	04:35 PM	Lithuan Medical Group	765-3972	OK
05-12-02	07:19 PM	Leonard	1-716-334-1722	OK

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,046	08/21/2000	Mikhail Gutin	ISIPO18US	8104

27949 7590 09/29/2003

LAW OFFICE OF JAY R. YABLON  
910 NORTHUMBERLAND DRIVE  
SCHENECTADY, NY 12309-2814

EXAMINER

HINDI, NABIL Z

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**Application No.  
09/843,048

Applicant(s)

Gutin

Examiner

Nabil Hindi

Art Unit

2655



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Jun 25, 2002.
- (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (Including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
- (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.
- The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

**OFFICIAL**

NABIL HINDI  
PRIMARY EXAMINER  
ART UNIT 2655

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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